

## **FACTSHEET**

**TITLE:** **PRELIMINARY PLAT NO. 01004, HERITAGE LAKES**, requested by Jack Lynch of Olsson Associates on behalf of Heritage Lakes, L.L.C., for 124 lots on approximately 54.39 acres, including a request to modify lot depth and to waive sidewalks on one side of the private roadway, on property generally located in the vicinity of South 98<sup>th</sup> Street and Pine Lake Road.

**STAFF RECOMMENDATION:** Conditional approval; **denial** of the sidewalk waiver.

**ASSOCIATED REQUESTS:** Special Permit No. 1913, Heritage Lakes Community Unit Plan (02R-88).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 03/06/02  
Administrative Action: 03/06/02

**RECOMMENDATION:** Conditional approval, with one amendment (6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent).

### **FINDINGS OF FACT:**

1. This preliminary plat and the associated Special Permit No. 1913, Heritage Lakes Community Unit Plan, were heard at the same time before the Planning Commission.
2. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.8-9, concluding that the proposal is generally in conformance with the Comprehensive Plan and the Subdivision Ordinance. The staff recommends approval of the request to waive the lot depth requirements; however, the staff is recommending denial of the request to waive sidewalks on one side of private roadways because the applicant has not provided sufficient justification for this waiver.
3. The applicant's testimony is found on p.12-13. The issue regarding encroachment upon wetlands is discussed on p.12-13. The applicant agreed to provide sidewalks on both sides of the private roadway.
4. There was no testimony in opposition.
5. A letter from the Army Corps of Engineers was submitted (p.38) indicating that placement of fill material in the wetlands will require authorization from the Department of the Army prior to project activities. The staff requested that a condition be added to this preliminary plat: "The applicant shall receive a Department of the Army permit prior to project activities." The applicant did not object to this additional condition of approval; however, he believes the Department of the Army approval exists under the permit for the "Eiger Development". (See Minutes p.13).
6. On March 6, 2002, the Planning Commission voted 6-0 to agree with the staff recommendation of conditional approval, as set forth in the staff report dated February 20, 2002, with amendment to add Condition #3 regarding approval by the Army Corps of Engineers.
7. On March 8, 2002, a letter reflecting the action of the Planning Commission and the amended conditions of approval was mailed to the applicant (See p.2-5).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant, approved by the reviewing departments.

**FACTSHEET PREPARED BY:** Jean L. Walker

**REVIEWED BY:**

**REFERENCE NUMBER:** FS\CC\2002\PP.01004

**DATE:** April 15, 2002

**DATE:** April 15, 2002

March 8, 2002

Olsson Associates  
Jack Lynch  
1111 Lincoln Mall  
Lincoln, NE 68508

Re: Preliminary Plat No. 01004  
HERITAGE LAKES

Dear Mr. Lynch:

At its regular meeting on Wednesday, **March 6, 2002**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **Heritage Lakes**, located in the general vicinity of **S. 98<sup>th</sup> St. and Pine Lake Rd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Revise the preliminary plat to show:
    - 1.1.1 Dimension the public access easement in Outlot "A".
    - 1.1.2 Remove Note 4 from the Landscape Plan. It no longer appears to be relevant.
    - 1.1.3 Rename the North/South cul de sacs S. 95<sup>th</sup>/S. 96<sup>th</sup>/S. 97<sup>th</sup> Court, Bay or Circle.
    - 1.1.4 Glass Ridge Drive should retain its name until it intersects S. 97<sup>th</sup> Street.
    - 1.1.5 Revise the location of the existing L.E.S. easement to the satisfaction of L.E.S.
    - 1.1.6 Provide utility easements as requested by L.E.S.
    - 1.1.7 A reduced Rural Water District easement and documentation from the Rural Water District that the easement is acceptable.
    - 1.1.8 Use a name other than Eider - it is easily confused with Eiger or Elder.
    - 1.1.9 Revise sewer depth to the satisfaction of Public Works & Utilities.
    - 1.1.10 Make Note 16 more general - "relocation of existing L.E.S. facilities shall be at owner/developer's expense."
    - 1.1.11 Add a note to the site plan stating that any construction or grade changes in L.E.S. transmission line easement corridors are subject to L.E.S. approval and must be in accordance with L.E.S. design and safety standards.
    - 1.1.12 Revise the approval blocks - the City Council approves the C.U.P. and the

- 1.1.13 Planning Commission approves the Preliminary Plat.
- 1.1.14 Sign the surveyor's certificate.
- 1.1.15 Label Outlot "C" as Outlot "B" - they are connected.
- 1.1.16 Revise the grading and drainage to accommodate sewer depth which matches those in the annexation agreement for this area.
- 1.1.17 Revise storm sewers to meet ten-year storm design standards.
- 1.1.17 Revise Detention Basin A grading so that it drains to its outlet and basin.
- 1.1.18 Pine Lake Road serves as the emergency spillway for the detention south of Pine Lake Road. Revise the grading so that all building openings are above the Pine Lake Road low point.
- 1.1.19 Revise the intersection of Glass Ridge Drive and Fischer Drive so that it meets design standards.
- 1.1.20 Draw the required sight triangle at all intersections with proposed signs.
- 1.1.21 Remove the 16 foot wide median in Glass Ridge Road - the lane alignments conflict with Glass Ridge Road on the north side of Pine Lake Road.
- 1.1.22 Show proposed street east of S. 98<sup>th</sup> Street. The lane alignments must match Widgeon Lane.
- 1.1.23 Revise Heritage Lakes Drive to the satisfaction of Public Works & Utilities.
- 1.1.24 Show Pine Lake Road and S. 98<sup>th</sup> Street as they are to be constructed according to the annexation agreement for this area.
- 1.1.25 Within 1000 feet of the intersection of Pine Lake Road and S. 98<sup>th</sup> Street, provide a 5 foot easement for right-of-way along each street.
- 1.1.26 Show sidewalks on both sides of all streets and private roadways within this plat.

2. The City Council approves associated requests:

2.1 Special Permit #1913

2.2 A modification to the requirements of the land subdivision ordinance to permit lots which have less than 90 feet of depth.

3. The applicant shall receive a Department of the Army Corps of Engineers permit prior to project activities. (**\*\*Per Planning Commission at the request of staff, 3/06/02\*\***)

General:

4. Final Plats will be scheduled on the Planning Commission agenda after:

4.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.

- 4.2 The L.E.S. easement has been relocated and the Rural Water District easement has been reduced to allow buildable lots.
- 4.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
  - 4.3.1 To submit to the Director of Public Works an erosion control plan.
  - 4.3.2 To protect the remaining trees on the site during construction and development.
  - 4.3.3 To pay all improvement costs.
  - 4.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
  - 4.3.5 To continuously and regularly maintain street trees and landscape screens.
  - 4.3.6 To complete the private improvements shown on the preliminary plat and community unit plan.
  - 4.3.7 To maintain the outlots and private improvements and plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
  - 4.3.8 To relinquish the right of direct vehicular access to S. 98<sup>th</sup> Street and Pine Lake Road, except at Glass Ridge Drive and Widgeon Lane.
  - 4.3.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the

engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,

J. Greg Schwinn, Chair  
City-County Planning Commission

cc: Owner  
Public Works - Dennis Bartels  
LES  
Alltel Communications Co.  
Cablevision  
Fire Department  
Police Department  
Health Department  
Parks and Recreation  
Urban Development  
Lincoln Public Schools  
County Engineers  
City Clerk  
File (2)

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

---

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Special Permit #1913 - Heritage Lakes CUP  
Preliminary Plat #01004

**DATE:** February 20, 2002

**\*\*As Revised by Planning Commission: 3/06/02\*\***

**PROPOSAL:** To create 124 lots with 134 units of housing.

**WAIVER REQUESTS:** Lot depth  
Lot area  
Required yards for two-family lots  
Sidewalks along one side of private roadways

**LAND AREA:** 54.39 acres, more or less

**CONCLUSION:** The preliminary plat generally conforms with the Subdivision Ordinance and the Comprehensive Plan.

The waiver of lot depth permits the outlots along the arterial streets. These outlots promote more green space along the street right of way. The outlot along Pine Lake Road coincides with an existing gas line easement. If the outlots were not present, Design Standards would require a 50% screen from 0 to 6 feet along the length of the property - this is often accomplished using a 6 foot board on board fence adjacent to the sidewalk.

The waiver of lot area under the C.U.P. allows the existence of lots which do not meet the lot area requirement of 6000 square feet. Outlot "E", intended for a subdivision sign, does not meet the lot area requirements. The waiver is appropriate - a subdivision sign does not require the same amount of area as a house.

The adjustments to yards on the two-family housing are acceptable. Outlot "A" provides adequate space between units.

The developer has not provided sufficient justification for the waiver of sidewalks along one side of the private roadway.

Although the wetlands have been mitigated, there is enough space in Outlot "A" and Outlot "B" to avoid impacting some of them - especially those adjacent to Eider Bay.

**RECOMMENDATION:****Community Unit Plan:** Conditional Approval**Preliminary Plat:** Conditional Approval**Lot depth waiver:** Approval**Lot area waiver:** Approval**Yard adjustments:** Approval**Sidewalks:** Denial**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of the remaining portion of Lot 82 I.T., located in the NE 1/4 of Section 23, T10N, R7E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska, more particularly described on the attached legal description.

**LOCATION:** S. 98<sup>th</sup> Street and Pine Lake Road

**APPLICANT:** Jack Lynch  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

**OWNER:** Heritage Lakes, LLC  
5950 Vandervoort Dr.  
Lincoln, NE 68516

**CONTACT:** Jack Lynch  
Olsson Associates

**EXISTING ZONING:** R-3 Residential

**EXISTING LAND USE:** Agricultural

**SURROUNDING LAND USE AND ZONING:**

North:	R-3	Acreages and residential
South:	AG	Acreages and fields
East:	AG	Fields
West:	R-3	Future heart hospital (approved by special permit #1939)

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as Urban Residential in the Comprehensive Plan, with Wetland/Water Bodies along the south boundary.

The goals for future urban residential neighborhoods state:

- Enhance rural and urban neighborhoods through the preservation of their natural environment.

- Increase home ownership opportunities for households of different sizes and income levels. Supplemental statement: Encourage the development of new subdivisions in all areas to increase the supply of buildable lots. (p 44)

## **HISTORY:**

Date when preliminary plat was submitted: **April 9, 2001**

Date when Planning Director's letter was sent: **May 10, 2001**

Date when revised preliminary plat was submitted: **January 11, 2002**

This area was annexed and zoned R-3 Residential on **November 5, 2001**.

The Southeast Lincoln/Highway 2 Subarea Plan was adopted on **March 26, 2001**.

**UTILITIES:** To be provided through the annexation agreement for this area.

**TOPOGRAPHY:** The northern portion of the site drains east and west while the southern portion of the site drains to the south.

**TRAFFIC ANALYSIS:** S. 98<sup>th</sup> Street is a public way corridor. Pine Lake Road is designated as a minor arterial in the future.

**PUBLIC SERVICE:** City of Lincoln Fire and Police.

**ENVIRONMENTAL CONCERNS:** Filling the wetlands and performing mitigation instead of creating a lot layout which does not encroach upon the wetlands.

**ALTERNATIVE USES:** Residential housing with a density greater than 2.5 dwelling units per acre.

## **ANALYSIS:**

1. The proposed Preliminary Plat and Community Unit Plan contain 124 lots and 134 dwelling units. Ten dwelling units are currently unassigned.
2. The area is zoned R-3 residential and is shown as Residential in the Land Use Plan.
3. This plat contains block lengths which exceed subdivision standards. Per §26.23.130(a), block length shall not exceed 1,320 feet between cross-streets, *except where a major street, or other man-made barrier, lake, or other natural barrier forms one boundary of a block.* (emphasis added) In this case, Block 1 is bounded by a future lake and Block 2 is bounded by two arterial streets, so the deviation is acceptable.



4. The Community Unit Plan section encourages creative design and the Comprehensive Plan advocates the preservation of the natural environment. The applicant could, with minor design changes, have significantly less of an impact on the existing wetlands within this development.

### **PRELIMINARY PLAT CONDITIONS:**

#### Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)

#### 1.1 Revise the preliminary plat to show:

1. Dimension the public access easement in Outlot "A".
2. Remove Note 4 from the Landscape Plan. It no longer appears to be relevant.
3. Rename the North/South cul de sacs S. 95<sup>th</sup>/S. 96<sup>th</sup>/S. 97<sup>th</sup> Court, Bay or Circle.
4. Glass Ridge Drive should retain its name until it intersects S. 97<sup>th</sup> Street.
5. Revise the location of the existing L.E.S. easement to the satisfaction of L.E.S.
6. Provide utility easements as requested by L.E.S.
7. A reduced Rural Water District easement and documentation from the Rural Water District that the easement is acceptable.
8. Use a name other than Eider - it is easily confused with Eiger or Elder.
9. Revise sewer depth to the satisfaction of Public Works & Utilities.
10. Make Note 16 more general - "relocation of existing L.E.S. facilities shall be at owner/developer's expense."
11. Add a note to the site plan stating that any construction or grade changes in L.E.S. transmission line easement corridors are subject to L.E.S. approval and must be in accordance with L.E.S. design and safety standards.
12. Revise the approval blocks - the City Council approves the C.U.P. and the Planning Commission approves the Preliminary Plat.
13. Sign the surveyor's certificate.
14. Label Outlot "C" as Outlot "B" - they are connected.
15. Revise the grading and drainage to accommodate sewer depth which matches those in the annexation agreement for this area.
16. Revise storm sewers to meet ten-year storm design standards.
17. Revise Detention Basin A grading so that it drains to its outlet and basin.
18. Pine Lake Road serves as the emergency spillway for the detention south of Pine Lake Road. Revise the grading so that all building openings are above the Pine Lake Road low point.
19. Revise the intersection of Glass Ridge Drive and Fischer Drive so that it meets design standards.
20. Draw the required sight triangle at all intersections with proposed signs.
21. Remove the 16 foot wide median in Glass Ridge Road - the lane alignments conflict with Glass Ridge Road on the north side of Pine Lake Road.
22. Show proposed street east of S. 98<sup>th</sup> Street. The lane alignments must match

Widgeon Lane.

23. Revise Heritage Lakes Drive to the satisfaction of Public Works & Utilities.
  24. Show Pine Lake Road and S. 98<sup>th</sup> Street as they are to be constructed according to the annexation agreement for this area.
  25. Within 1000 feet of the intersection of Pine Lake Road and S. 98<sup>th</sup> Street, provide a 5 foot easement for right-of-way along each street.
  26. Show sidewalks on both sides of all streets and private roadways within this plat.
2. The City Council approves associated requests:
- 2.1 Special Permit #1913
  - 2.2 A modification to the requirements of the land subdivision ordinance to permit lots which have less than 90 feet of depth.
3. The applicant shall receive a Department of the Army Corps of Engineers permit prior to project activities. (**\*\*Per Planning Commission at the request of staff, 3/06/02\*\***)

General:

4. Final Plats will be scheduled on the Planning Commission agenda after:
- 4.1 Streets, sidewalks, public water distribution system, public wastewater collection system, drainage facilities, ornamental street lights, landscape screens, street trees, temporary turnarounds and barricades, street name signs, and permanent survey monuments have been completed or the subdivider has submitted a bond or an approved escrow of security agreement to guarantee their completion.
  - 4.2 The L.E.S. easement has been relocated and the Rural Water District easement has been reduced to allow buildable lots.
  - 4.3 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 4.3.1 To submit to the Director of Public Works an erosion control plan.
    - 4.3.2 To protect the remaining trees on the site during construction and development.
    - 4.3.3 To pay all improvement costs.
    - 4.3.4 To submit to lot buyers and home builders a copy of the soil analysis.
    - 4.3.5 To continuously and regularly maintain street trees and landscape screens.
    - 4.3.6 To complete the private improvements shown on the preliminary plat and community unit plan.

- 4.3.7 To maintain the outlots and private improvements and plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 4.3.8 To relinquish the right of direct vehicular access to S. 98<sup>th</sup> Street and Pine Lake Road, except at Glass Ridge Drive and Widgeon Lane.
- 4.3.9 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.

Prepared by:

Jason Reynolds  
Planner

**SPECIAL PERMIT NO. 1913,  
HERITAGE LAKES COMMUNITY UNIT PLAN  
and  
PRELIMINARY PLAT NO. 01004,  
HERITAGE LAKES**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 6, 2002

Members present: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn; Duvall and Krieser absent.

Staff recommendation: Conditional approval.

Jason Reynolds of Planning staff submitted a letter from the Army Corps of Engineers stating that the applicant will need their authority prior to project activities. Reynolds added Site Specific Condition #3 to the preliminary plat that the applicant shall receive an Army Corps of Engineers permit prior to project activities.

Proponents

**1. Jack Lynch of Olsson Associates**, presented the project. Heritage Lakes is a residential community of a little over 50 acres, with about 100 single family lots and 26 townhouse lots. It sits just north of a 20-25 acre lake that is currently under construction. This is part of the northeast quadrant of the Eiger Development approved previously (the large 600 acre complex at the intersection of Hwy 2 and 84<sup>th</sup> Street). The proposal consists of a number of single family lots. Between the two cul-de-sacs there is a series of cascading ponds and streams that will be enhanced with wetland habitation. These are being built and will consist of recirculating water to cascade water down those ponds and streams to the bottom and pump back up to the top. Both also function as stormwater area. This project is at the southwest quadrant of Pine Lake Road and 98<sup>th</sup> Street. The intent is to begin development this spring and summer.

Lynch agreed with the staff report with the exception of Condition #1.1.1 and Condition #1.1.2 of the community unit. He requested that these two conditions be deleted. Condition #1.1.2 requires a connection and creates a four-way intersection. The developer's preference is to create a small residential neighborhood with townhouses and the cul-de-sac is well within design standards. That four-way intersection would sit less than 200' off of Pine Lake Road, so there are safety issues. Plus, if we create that four-way intersection, they would not be able to meet the design standards coming to the west for that curve and the intersection to that roadway. Lynch also observed that over the years, developers have consistently been directed to avoid four-way intersections in this community.

Lynch then addressed Condition #1.1.1 of the community unit plan which requires moving a street and the single family attached units to the east for less encroachment upon the wetlands. Lynch stated that the developer has gone through an extensive delineation program for the entire Eiger property; they

have done an extensive mitigation plan; and they have an approved 404 permit for this entire project. The issue here is two wetlands. One of them was originally declared to be impacted so they agreed to mitigate elsewhere. If they move the cul-de-sac they will run into the problems with grade. That wetland is being mitigated somewhere else. With regard to the other wetland, the more pristine part is being saved. They are also mitigating these wetlands elsewhere on the site.

**2. Joan Darling of Olsson Associates** confirmed that the developer does have a section 404 permit for the impacts of this project. It was permitted under the Eiger Corporation as opposed to Heritage Lakes. It had gone through a public notice period and has had agency approval. The Army Corps of Engineers has approved the impacts that will be done here and the mitigation plan. Darling discussed the quality of the areas that are being impacted. One was an old farm pond and the dam broke. It is a very silty bottom and there is no aesthetic or high functioning in terms of wetland values. If avoided entirely it would still be a low functioning wetland and would not be attractive as a back yard feature. The regulatory agencies agree that this could be mitigated. The diverse mix of natural habitats that will be created in the green space will have much higher functions than this wetland does now.

The other wetland in the northwestern part of the site is a fairly large complex with two arms. The developer has made every effort to save the best part of that wetland. The western part is a fairly high quality wetland with good water quality. It has mature trees and has wetland values that are worth keeping. They have made efforts to minimize the impacts on that wetland.

From what Steward understands about engineering, he believes one can engineer protection of anything, and you can control field conditions if it is approved and engineered. Lynch's response was what they can't control are the builders. And, Steward added that the weakness of the protection character within the city cannot be controlled by the developer. Steward recommends that we not begin assuming the worst. It is better to assume the natural protection and then work with it as the project goes. Steward understands the logic of that pond that has developed and he would consider it a manmade wetland that can probably be more effective in the outlot if landscaped appropriately. But the other seems to be much more significant. Steward inquired whether the developer has any issue with what is being required to protect the one on the west. Lynch stated that they are protecting that one adequately.

Steward believes that Condition #1.1.1 moves the cul-de-sac so that that southern wetland would be more protected. Lynch stated that there is no room to move the townhouses further east. If they are going to connect roads and make that four-way intersection, they are impacting those same wetlands. Topography to the west of the line of townhouses starts to slope 2:5 to 3:1. Condition #1.1.1 will result in a landscape issue.

Schwinn asked Lynch to address the letter from the Army Corps of Engineers. Lynch stated that the approved permit is under the Eiger Development so when the Corps got the packet from the city referencing Heritage Lakes, nobody made the connection. He does not disagree with this being a condition of approval, however.

Steward noted that in the written responses in the staff report, there was a question about sidewalks on one side of the private roadway. Lynch has no problem with going to dual sidewalks. As part of the cul-de-sac issue, they will make sidewalk connections and the water main will be connected, but we would prefer not to make a roadway connection.

There was no testimony in opposition.

#### Staff questions

Carlson asked staff to describe what the Comprehensive Plan subarea plan says happens in this area. Reynolds stated that it is designated as SR-Special Residential which could be multi-family and other uses permitted in residential by special permit.

Carlson believes they are going to need street connections to 91<sup>st</sup> and Heritage. Reynolds clarified that they will have a street connection off of Heritage Lakes Drive.

Carlson asked staff to address Condition #1.1.2. Reynolds explained that this condition requires that So. 94<sup>th</sup> Court be connected south of the existing wetlands so it would be connected somewhere along the curve south of the existing wetland. This would not create a four-way intersection. The idea is to keep So. 94<sup>th</sup> south of the wetlands. The townhomes would have to be shifted around to accommodate the new design.

It was clarified that Condition #1.1.2 should read, "Connect S. 94th Court to Glass Ridge Drive, as opposed to Fischer Drive.

#### Response by the Applicant

With regard to Condition #1.1.2, Lynch pointed out that this will result in Lot #1 of the single family lots having three roads on all three sides, plus the northerly townhouses will still have to have a street. The idea of those 26 townhouses on one cul-de-sac is a small ideal neighborhood. They are not conflicting with single family traffic of the project; they create their own identity; plus coming off of Pine Lake Road there would be three intersections in a span of about 300-400 feet. Lynch does not feel they need to have that additional access.

Public hearing was closed.

#### **SPECIAL PERMIT NO. 1913**

#### **HERITAGE LAKES COMMUNITY UNIT PLAN**

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 6, 2002

Steward moved to approve the staff recommendation, with amendment deleting Condition #1.1.1 and Condition #1.1.2, seconded by Newman.

Steward believes there is technical logic behind the staff recommendation, but the practical circumstance that he understands from the description of the lay of the land and the character of the wetlands, the layout of this townhouse strip makes good sense. He believes we would end up with more confusion in a traffic pattern that had intersecting roadways about every 200-300 feet.

Schwinn observed that if So. 94<sup>th</sup> were built with just a spur out as a future to Glass Ridge Drive, we would have all 26 of those people down here complaining when we wanted to finish it. He thinks the applicant is correct in trying to do this.

Newman wondered whether we need to require a pedestrian easement without that connection. Schwinn believes they will put that easement in if the neighborhood wants it.

Motion for conditional approval, with amendment deleting Condition #1.1.1 and Condition #1.1.2 carried 6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent.

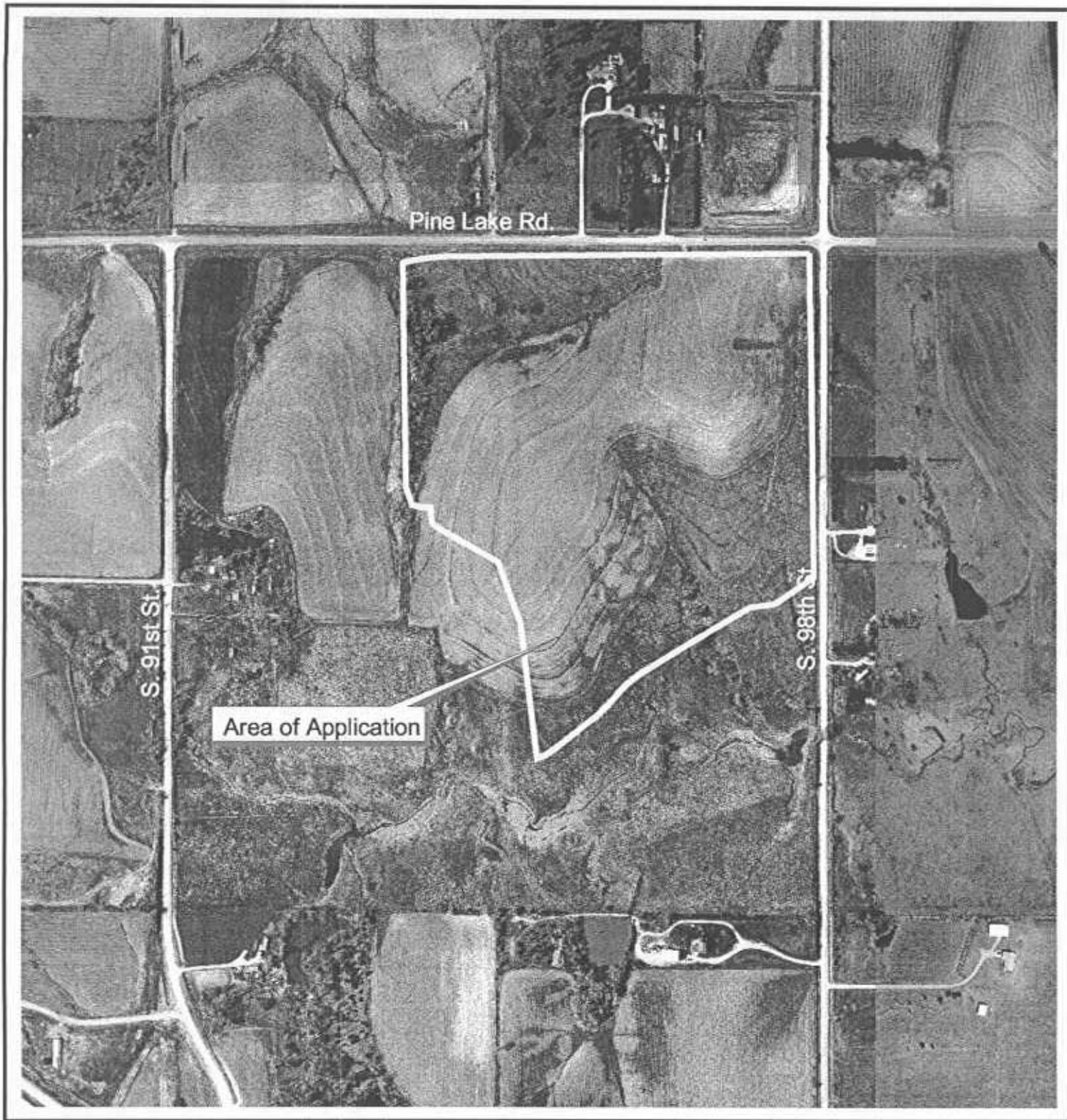
**PRELIMINARY PLAT NO. 01004**

**HERITAGE LAKES**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 6, 2002

Bills-Strand moved to approve the staff recommendation of conditional approval, with the additional Condition #3 regarding the Army Corps of Engineers requirement as suggested by staff, seconded by Steward and carried 6-0: Steward, Carlson, Bills-Strand, Taylor, Newman and Schwinn voting 'yes'; Krieser and Duvall absent.

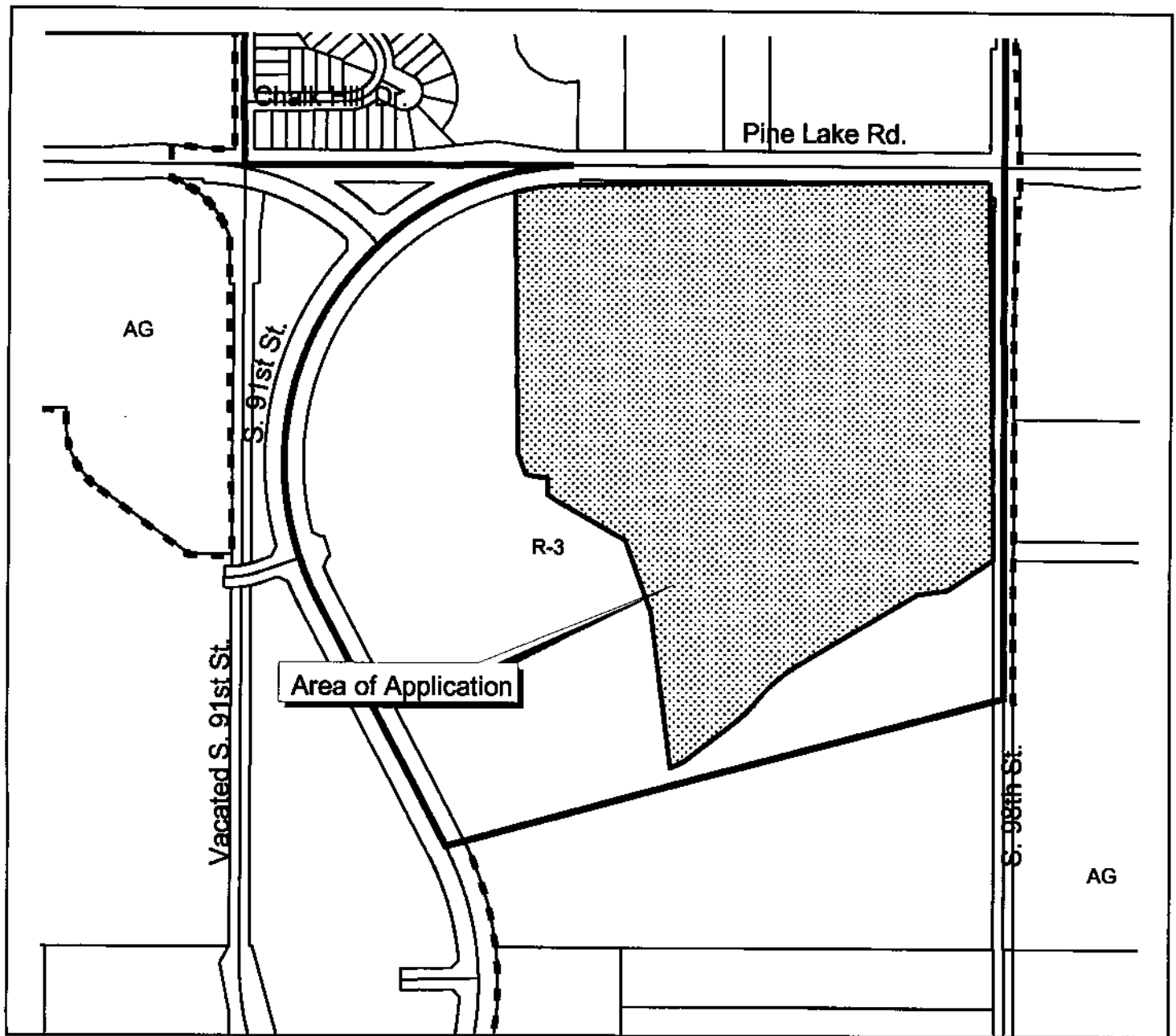


**Preliminary Plat #01004  
Special Permit #1913  
Heritage Lakes  
98th & Pine Lake**



016



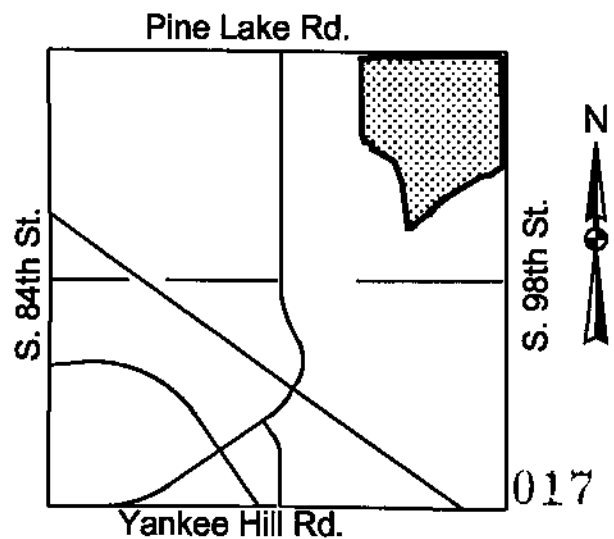
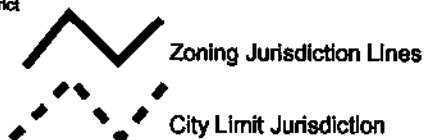


**Preliminary Plat #01004**  
**Special Permit #1913**  
**Heritage Lakes**  
**98th & Pine Lake**

**Zoning:**

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
 Sec. 23 T9N R7E



Lexh02.dwg

LEGAL DESCRIPTION  
HERITAGE BOUNDARY

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOT 82 I.T., LOCATED IN THE NORTHEAST QUARTER (NE4) OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE REMAINING PORTION OF SAID LOT 82 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, SAID POINT BEING 50.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER AND 50.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER, THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 07 MINUTES 15 SECONDS EAST ALONG THE EAST LINE OF SAID REMAINING PORTION OF LOT 82 I.T., A DISTANCE OF 50.00 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE NORTH 89 DEGREES 52 MINUTES 45 SECONDS EAST ALONG A NORTH LINE OF SAID REMAINING PORTION OF LOT 82 I.T., A DISTANCE OF 17.00 FEET TO A NORTHEAST CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE SOUTH 00 DEGREES 07 MINUTES 15 SECONDS EAST ALONG A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,218.59 FEET TO A POINT; THENCE SOUTH 55 DEGREES 32 MINUTES 46 SECONDS WEST, A DISTANCE OF 187.02 FEET TO A POINT; THENCE SOUTH 81 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 100.21 FEET TO A POINT; THENCE SOUTH 59 DEGREES 01 MINUTES 51 SECONDS WEST, A DISTANCE OF 474.32 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 153.58 FEET, A DELTA ANGLE OF 17 DEGREES 35 MINUTES 57 SECONDS, A CHORD BEARING OF SOUTH 50 DEGREES 13 MINUTES 52 SECONDS WEST AND A CHORD LENGTH OF 152.98 FEET TO A POINT OF TANGENCY; THENCE SOUTH 41 DEGREES 25 MINUTES 54 SECONDS WEST, A DISTANCE OF 42.78 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 91.81 FEET, A DELTA ANGLE OF 10 DEGREES 31 MINUTES 13 SECONDS, A CHORD BEARING OF SOUTH 46 DEGREES 41 MINUTES 31 SECONDS WEST AND A CHORD LENGTH OF 91.68 FEET TO A POINT OF TANGENCY; THENCE SOUTH 51 DEGREES 57 MINUTES 07 SECONDS WEST, A DISTANCE OF 196.74 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 202.52 FEET, AN ARC LENGTH OF 73.14 FEET, A DELTA ANGLE OF 20 DEGREES 41 MINUTES 28 SECONDS, A CHORD BEARING OF SOUTH 62 DEGREES 17 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 72.74 FEET TO A POINT; THENCE NORTH 07 DEGREES 09 MINUTES 57 SECONDS WEST, A DISTANCE OF 532.19 FEET TO A POINT; THENCE NORTH 20 DEGREES 22 MINUTES 02 SECONDS WEST, A DISTANCE OF 255.67 FEET TO A POINT; THENCE NORTH 60 DEGREES 46 MINUTES 13 SECONDS WEST, A DISTANCE OF 269.25 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 285.52 FEET, AN ARC LENGTH OF 34.58 FEET, A DELTA ANGLE OF 06 DEGREES 56 MINUTES 22 SECONDS, A CHORD BEARING OF NORTH 55 DEGREES 10 MINUTES 13 SECONDS WEST, AND A CHORD LENGTH OF 34.56 FEET TO A POINT; THENCE NORTH 02 DEGREES 13 MINUTES 26 SECONDS WEST, A DISTANCE OF 60.00 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 220.00 FEET, AN ARC LENGTH OF 74.61 FEET, A DELTA ANGLE OF 19 DEGREES 25 MINUTES 54 SECONDS, A CHORD BEARING OF NORTH 82 DEGREES 30 MINUTES 29 SECONDS WEST AND A CHORD LENGTH OF 74.26 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 430.00 FEET, AN ARC LENGTH OF 1.08 FEET, A DELTA ANGLE OF 00 DEGREES 08 MINUTES 39 SECONDS, A CHORD BEARING OF NORTH 72 DEGREES 51 MINUTES 51 SECONDS WEST AND A CHORD LENGTH OF 1.08 FEET TO A POINT; THENCE NORTH 19 DEGREES 17 MINUTES 46 SECONDS WEST, A DISTANCE OF 73.13 FEET TO A POINT; THENCE NORTH 00 DEGREES 54 MINUTES 48 SECONDS WEST, A DISTANCE OF 878.11 FEET TO A POINT ON THE NORTHERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T. AND THE SOUTHERLY LINE OF LOT 94 I.T.; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 935.00 FEET, AN ARC LENGTH OF 221.55 FEET, A DELTA ANGLE OF 13 DEGREES 34 MINUTES 35 SECONDS, A CHORD BEARING OF NORTH 83 DEGREES 05 MINUTES 37 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T., AND THE SOUTHERLY LINE OF SAID LOT 94 I.T., AND A CHORD LENGTH OF 221.04 FEET TO A NORTH CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., AND A SOUTHEASTERLY CORNER OF SAID LOT 94 I.T., SAID CORNER BEING 60.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 06 SECONDS WEST ALONG THE WESTERLY LINE OF SAID REMAINING PORTION OF LOT 82 I.T., AND AN EASTERLY LINE OF SAID LOT 94 I.T., A DISTANCE OF 15.00 FEET TO THE NORTHWEST CORNER OF SAID REMAINING PORTION OF LOT 82 I.T., THENCE NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 82 I.T., SAID LINE BEING 50.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1,386.86 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 2,369,137.30 SQUARE FEET OR 54.39 ACRES, MORE OR LESS.

019

PLANNING DEPARTMENT



INTER-DEPARTMENT COMMUNICATION

DATE January 21, 2002

TO Jason Reynolds, City Planning

FROM Sharon Theobald  
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS  
DN #74S-94E

Attached is the resubmitted Preliminary Plat for Heritage Lakes.

**In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.**

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over all of the outlots.

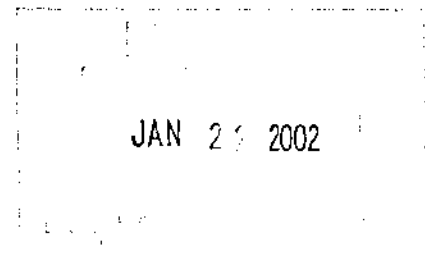
It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

*Sharon Theobald*




ST/ss  
Attachment  
c: Terry Wiebke  
Easement File

OFFICEFOI/DEDEAS.Fm

# M e m o r a n d u m

FEB - 4 2002

UNCLASSIFIED//FOR OFFICIAL USE ONLY

**To:** Jason Reynolds, Planning  
**From:**  Dennis Bartels, Engineering Services  
**Subject:** Heritage Lakes Preliminary Plat and Special Permit  
**Date:** January 31, 2002  
**cc:** Roger Figard  
Nicole Fleck-Tooze  
Lynn Johnson

Engineering Services has reviewed the preliminary plat and community unit plan for Heritage Lakes located between 91st and 98th Streets south of Pine Lake Road and has the following comments:

1. Water - The required water mains in Pine Lake Road and 98th Street per the annexation agreement are not shown.
2. Sanitary Sewer - Public Works has received construction plans for the sanitary sewer outlet system for this plat. These plans show sewers approximately 5' deeper than represented with the previously approved annexation agreement for this area and the Appian Way development.
3. Drainage and Grading - The previously noted question raised about the sanitary sewer may require changes to the street grades and grading plan for this plat.

Storm sewer downstream from street sumps and the rear of the cul-de-sacs is not designed in accordance with design standards. A ten-year storm design is required.

A 54" culvert is shown as existing crossing.

It is not clear how detention from Basin A will be accomplished. Portions of the drainage basin will not drain to Detention Cell A and its outlet. Additional information is required.

Pine Lake Road serves as the emergency spillway for the detention shown south of pine Lake Road. Lots and building openings are shown below Pine Lane elevations. All openings in adjacent structures need to be above the Pine Lake Road low point.

4. Street System - The intersection of Glass Ridge Drive and Fischer Drive does not meet design standards. Fischer Drive intersects the inside of a horizontal curve less than 525'.

Sight distance needs to be verified at all sign locations.

The lane alignments of Glass Ridge Road north to south across Glass Ridge Road are unsatisfactory. A 27' wide street in 60' of right-of-way is approved in Vintage Heights north of Pine Lake Road. The 16' wide median approaching Pine Lake Road needs to be removed. The potential for a similar problem exists at the intersection of Widgeon Lane and South 98th Street and must be addressed.

Pine Lake Road and South 98th Street adjacent to this plat must be paved in accordance with the annexation agreement for this area.

The traffic circle in Heritage Drive west of this plat does not comply with design standards. It is recognized that this traffic circle is beyond the limits of this plat.

Heritage Lake Drive is shown 27' wide in this plat transitioning to 33' wide west of the traffic circle. Due to the volume of traffic, Public Works anticipates using this street. We recommend that it be platted with a 66' right-of-way and 33' of paving west of Eider Court.

A 5' easement for right-of-way needs to be shown in Outlot D along 98th Street and Pine Lake Road within 1000' of the intersection.

5. General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design consideration including, but not limited to, location of water main bends around curved and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

## **City of Lincoln, Nebraska**

### **IMPORTANT**

**All revisions to plans must include Building Permit # and Job Address.**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

## **Plan Review Comments**

Permit # **DRF02007**

Address

Job Description: **HERITAGE LAKES**

Location: **HERITAGE LAKES**

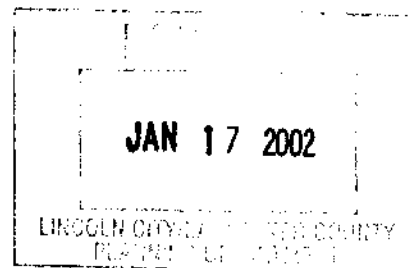
Special Permit: **Y 1913**

Preliminary Plat: **Y 01004**

Use Permit: **N**

CUP/PUD: **N**

Requested By: **JASON**



Status of Review: **Approved**

Reviewer: **FIRE PREVENTION/LIFE SAFETY CODE**

**BOB FIEDLER**

Comments:

### **Current Codes in Use Relating to Construction Development in the City of Lincoln:**

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards

LOWER PLATTE SOUTH  
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581  
(402) 476-2729 • FAX (402) 476-6454  
www.lpsnrd.org

## Memorandum

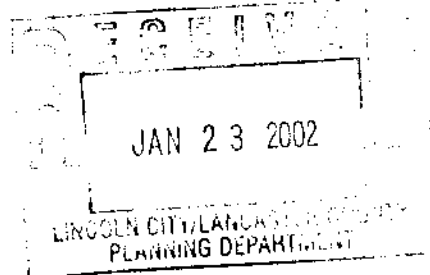
**Date:** January 23, 2002  
**To:** Jason Reynolds, Planning Dept.  
**From:** J.B. Dixon, Stormwater Specialist, Lower Platte South Natural Resources District  
**Subject:** Heritage Lakes SP #1913, PP #01004

We have reviewed the Preliminary Plat of the project above. The Notice of Intent and the Stormwater Pollution Prevention Plan was submitted and reviewed in June of 2001. It was approved on June 20, 2001, SWPPP Approval Number CSW 01D014. The site is part of a very large-scale development, and compliance with the approved Erosion & Sediment Control Plan has, and will be monitored closely by our office.

If you have any questions, feel free to call.

JBD/jbd

pc: file







**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LIN  
COLN.NE.US>

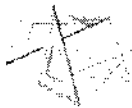
To: Jason Reynolds <JReynolds@ci.lincoln.ne.us>  
cc:  
Subject: Heritage Lakes

01/17/2002 09:42  
AM

Jason,

The Lincoln Police Department has no objections to the Heritage Lakes SP 1913 & PP01004.

Michael S. Woolman  
Planning Sergeant  
Lincoln Police Department



**Dennis L Roth**

01/18/2002 02:36  
AM

To: JReynolds@ci.lincoln.ne.us

cc:

Subject: re: Heritage Lakes

PROJ NAME: Heritage Lakes  
PROJ NMBR: SP1913, PP010004  
PROJ DATE: 01/14/02  
PLANNER: Jason

Finding NO duplicate/similar names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

Streets: Eider Bay, Eider Ct, Eider Dr, Fischer Dr, Glass Ridge Dr, Heritage Lakes Dr,  
Widgeon Bay, Widgeob La, S 97th St

Private Streets: S 94th Ct

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

<b>TO:</b> Jason Reynolds	<b>DATE:</b> 1/16/2002
<b>DEPARTMENT:</b> Planning	<b>FROM:</b> Chris Schroeder Jerry Hood
<b>ATTENTION:</b>	<b>DEPARTMENT:</b> Health
<b>CARBONS TO:</b> Bruce Dart, Director EH File EH Administration	<b>SUBJECT:</b> Heritage Lakes SP #1913, PP #01004

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the site plan for the proposed Heritage Lakes subdivision with the following noted:

- Water supply will be the City of Lincoln public water supply.
- Sewage disposal will be the City of Lincoln collection system.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.
- Provisions should be made for retaining as much tree mass as possible. Alternately, the applicant will need to plan for disposal of tree waste by burying on site, grinding, offering for firewood or hauling to the landfill. Permits for open burning of tree waste within the city limits will not be approved and applications for burning within the 3-mile zone are unlikely to be approved.

# Memo



**To: Jason Reynolds, Planning Department**

**From: Mark Canney, Parks & Recreation** *MC*

**Date: February 4, 2002**

**Re: Heritage Lakes SP 1913 PP01004**

---

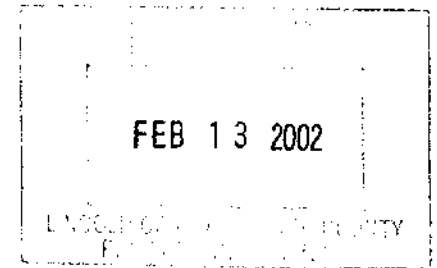
Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. A trail connection is required from Glass Ridge Drive to the Underpass.
2. All outlot areas are to be maintained by the developer and/or future home owners association.
3. Cross section needs to be corrected to reflect the standards as defined in the Public Way Corridor cross section found on the Planning Department Website.
4. Anticipated grade separation crossing under Pine Lake Road in conjunction with Antelope Creek should be shown on plan.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

FEB - 5 2002

028



February 13, 2002

Ms. Kathleen A Sellman  
Planning Department  
County - City Building  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

Re: Heritage Lakes Preliminary Plat and Community Unit Plan  
OA Project No. 2000-0862.01

Dear Ms. Sellman:

Following are our responses to your letter dated May 10, 21001 for the above referenced project. Each comment has been noted, revised or is not applicable with this new submittal.

1. *An annexation agreement must be completed to satisfaction of the City, prior to scheduling this Preliminary Plat, Community Unit Plan, Annexation and Change of Zone on the Planning Commission agenda. The agreement must be signed prior to scheduling on the City Council agenda.*

The annexation agreement has been completed.

2. *Indicate any ownership or interest in the abutting land to the south and proposed street system and uses for that land.*

The land south of the lake is owned by the Eiger Group. Proposed uses for property will be "planned residential".

3. *91<sup>st</sup> Street and Pine Lake Road are classified as a Public Way Corridors. Provide detailed information showing a cross section of the full width of the corridor, the location of the utilities, location of sidewalks, location of landscaping, the edge of the pavement, the medians and the turn lanes.*

This is included in this submittal, 1/11/02.

029

4. *Address the construction of the new alignment of 91<sup>st</sup> Street and Pine Lake Road, and the vacation of the existing 91<sup>st</sup> Street.*

91<sup>st</sup> Street has been vacated. This was dedicated to the City by Kelvin Korver. South 91<sup>st</sup> is planned to be constructed in 2002.

5. *Remove the "unassigned units and multi family units" designation from note 11. A multi-family site plan has not been proposed. A blanket "multi-family" designation without a specific site plan and design is not consistent with Chapter 27.65 of the Zoning Ordinance.*

This has been revised with this submittal, 1/11/02.

6. *Address how access will be provided to Lot 12, Block 1.*

This has been revised with this submittal, 1/11/02.

7. *Revise the "duplex lot" designation in notes 11 and 21 to read "attached single family" lot and identify them on the site plan.*

This has been revised with this submittal, 1/11/02.

8. *Remove note 15 and add a statement indicating that no portion of the building shall extend over the lot lines, and that the garage door openings shall be at least 22 feet from the sidewalk.*

This comment refers to "Townhomes" which have deleted from this submittal, 1/11/02.

9. *Combine notes 17 and 21.*

This has been revised with this submittal, 1/11/02.

10. *Address the landscaping and maintenance of the medians, submit a landscape plan for review.*

This has been revised with this submittal, 1/11/02.

11. *The proposed outlots do not meet the lot area, lot width or lot width to depth ratio requirements of the proposed zoning district.*

We will be requesting a waiver for those outlots, if required.

12. *The subdivision identification signs appear to be located in sight triangles.*

The signs have been located behind the sight triangles.

13. *Address the phasing of the proposed plat, the installation of 91<sup>st</sup> Street, Pine Lake Road, 98<sup>th</sup> Street, and the coordination with the proposed commercial center to the west.*

91<sup>st</sup> Street will be constructed in 2002 under an Executive Order. The construction of the drive east off of 91<sup>st</sup> Street will coincide with the proposed construction of Phase One, Heritage Lakes in 2002.

14. *Revise the proposed plat to utilize consistent lot and block numbering as required by 26.15.015(f).*

This has been revised with this submittal, 1/11/02.

15. *Show the proposed sidewalks along Pinebrook Lane, S. 92<sup>nd</sup> Street, S. 94<sup>th</sup> Street and Oakbrook Lane. Provide a rationale why sidewalks should not be located on both sides of the street.*

We are requesting a waiver for sidewalks only on one side of South 94<sup>th</sup> Court. All other streets have sidewalks on both sides of the street.

16. *Revise the setback of Lot 1, Block 4 so that it is at least 20 feet from Heritage Lakes Lane.*

This has been revised with this submittal, 1/11/02.

17. *Figure 38 in the Comprehensive Plan shows a need for a trail in this vicinity. Revise the plans to show a trail connection satisfactory to the Mayor's Trails/Pedestrian Advisory Committee. The Parks and Recreation Department noted that the trail should parallel 91<sup>st</sup> Street to a connection point with a trail easement located westerly of Glass Ridge Drive. It would be desirable to have the platform for the trail graded in conjunction with the site grading activities. The Parks Department requests the engineer to explore options to allow for a future potential trail underpass crossing of Highway 2 at 91<sup>st</sup> Street.*

This submittal shows the trail on South 91<sup>st</sup> Street, 1/11/02.

18. *Show a connection to the private pedestrian way behind Lots 13 through 18, Block 4, to the pedestrian way to the south.*

This has been revised with this submittal, 1/11/02.

19. *Show a connection to the private pedestrian way in the outlot in the vicinity of Lot 1 Block 3 to provide easier access to the lots on the north side of Fischer Road and the east side of S. 94<sup>th</sup> Street.*

This has been revised with this submittal, 1/11/02.

20. *Address access to the private pedestrian way to Lots 12 through 21, Block 2 and Lots 77 through 82, Block 4.*

This has been revised with this submittal, 1/11/02.

21. *Provide a road connection between Widgeon Court and Eider Court and between Eider Court and S. 94<sup>th</sup> Street to resolve the block length requirement. This will also eliminate the need for a waiver of the number of units allowed on a dead end street.*

This has been revised with this submittal, 1/11/02.

22. *Revise the plans to Indicate the Pinebrook Lane, S. 92<sup>nd</sup> Street, Oakbrook Lane and S. 94<sup>th</sup> Street are private roadways.*

This has been revised with this submittal, 1/11/02.

23. *You requested a Comprehensive Plan amendment to change the area from commercial to residential use. An amendment is not necessary as this area is already shown as Residential in the Southeast Lincoln/Highway 2 Subarea Plan, approved March 26, 2001.*

Comment is noted.

24. *Revise the plans to show how the rural water lines and easements will be abandoned to the satisfaction of the Rural Water District.*

This has been revised with this submittal, 1/11/02.

25. *Provide evidence that you have resolved the issues of costs associated with leaving the rural water service area.*

No existing homes within this preliminary plat area are currently serviced with rural water.

26. *Address the Army Corps of Engineers letter which indicated that the proposed project "could potentially impact wetlands and/or waterways under [their] jurisdiction and may require Department of the Army authorization."*

A "404 Wetland Permit" has been obtained. (Impoundment - Nationwide Permit #43, NE-60-10784 & entire development - individual #NE-01-10474.)



27. *Provide the easements requested by LES and add the following as notes:  
Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.*

Olsson Associates have met with LES and coordination continues with grading and exact location of the relocated line.

28. *Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.*

Comment is noted.

29. *The Parks and Recreation Department noted that a neighborhood park will be needed to serve future residents. They suggested that the potential for a future neighborhood park be investigated in conjunction with the future development of the area east of 98<sup>th</sup> Street. The future park site would serve the limited number of residential lots associated with this application and future lots in the area to the east.*

Comment is noted.

30. *Revise the plans to show the designated street tree for S. 94<sup>th</sup> Street as Red Sunset Maple, not Sugar Maple.*

This has been revised with this submittal, 1/11/02.

31. *Revise the plat to show the required water mains in 98<sup>th</sup> Street and in 91<sup>st</sup> Street. The water main in Pine Lake Road is not existing as shown on the plans.*

Comment is noted.

32. *Revise the plans in coordination with LES, Peoples Gas and the City regarding the location of the plantings along 98<sup>th</sup> Street and Pine Lake Road. The proposed plantings for Pine Lake Road and S. 98<sup>th</sup> Street conflict with the utility easement. Sidewalks need to be shown on the landscape plan. Trees should be no closer than 5 feet from sidewalks/trails and no closer than 10' from relocated utilities.*

Comment is noted.

33. *Revise the landscape plan to denote which streets are private.*

This has been revised with this submittal, 1/11/02.

34. *Revise the plans to show the abandonment of the water main easement that is shown along Pine Lake Road and along existing 91<sup>st</sup> Street if the water line in the easement is a rural water line.*

Client is working with Rural Water to reduce the easement.

35. *Address the phasing of the water mains in Pine Lake Road and 98<sup>th</sup> Street, the phasing of the plat and the potential for long dead end water mains.*

This has been revised with this submittal, 1/11/02.

36. *Revise the plans to address the sanitary sewer concerns of the Public Works Department. The Public Works Department noted that the trunk sewer alignment north of Heritage Lake Drive needs to be shown on the grading plan. It appears to be shown along the bottom of the ponding area of the detention pond. This is unsatisfactory. Locating the sewer in the side slopes of the detention pond/drainage ditch is also unsatisfactory. The exceptions to the design standards and the depth are satisfactory for the outlet sewer provided that the location questions are addressed satisfactorily.*

Comment noted. Executive Order Trunk Sewer Plan is currently being reviewed by Public Works.

37. *Address the Public Works comment that design standards require sanitary sewers to be located 15' from proposed buildings. The combination sewer and storm sewer easements shown must, therefore, be at least 35' wide or some other method to provide the 15' clearance.*

This has been revised with this submittal, 1/11/02.

38. *Revise the plans to meet design standards for the requirement for low flow liners, trickle channels, or underdrain pipes for the detention areas and open channels.*

This has been revised with this submittal, 1/11/02.

39. *Revise the plans to show provisions for emergency spillways for the detention and retention facilities. The grading shown is such that overflow from the facilities is not contained in specific areas and may flood lots unless grading is accomplished to prevent it.*

This has been revised with this submittal, 1/11/02.

40. *Design standards require that the design of the detention facilities be reviewed by Public Works prior to construction and certification be provided after construction.*

Comment is noted.

41. *Revise the plans to show the grades of 98<sup>th</sup> Street to match the proposed street grades.*

Comment is noted.

42. *Revise the plans to show all lots above the low point in Pine Lake Road. The Public Works Department noted that lots backing on Pond A4 are shown at or below the elevation of Pine Lake Road. If Pine Lake Road is to serve as the emergency spillway, all lots should be graded above the low point in the road.*

This has been revised with this submittal, 1/11/02.

43. *Revise the traffic circle in Heritage Lakes Drive. The traffic circle on Heritage Lakes Drive is shown with a private outlot in the center with an 8' x 10' sign in the outlot. This is contrary to design standards. Landscaping requirements require a maximum height of 24" for landscaping. The sign would violate this sight distance requirement.*

The traffic circle has been revised.

44. *Revise the plans to show a 150' centerline curve radius requirements for public and private streets. The Public Works Department objects to waiving the radius requirement. It appears the requirement can be met by adjusting the outlets and lots rather than using the outlots as the justification for the design exception. Private standards also require 150' radius. It appears that these radii can be designed at 150' or as a minimum closer to standard than submitted. As a minimum, all the private roads should at least be designed with 125' centerline radii.*

This has been revised with this submittal, 1/11/02.

45. *There are several traffic questions that affect this plat that need to be considered in relation to the traffic impact study and for the commercial zoning and office. This includes the location of the Glass Ridge Drive and Pine Lake Road intersection, the geometrics of the Heritage Lake Drive and 91<sup>st</sup> Street intersection, and the right-of-way that may be required, the paving cross-section of 98<sup>th</sup> and Pine Lake Road and accompanying right-of-way.*

Traffic issues at these locations have been agreed upon as part of the annexation agreement.

Ms. Kathleen Sellman  
Page Eight  
13 February 2002

46. *Public Works recommends 60' of right-of-way be dedicated for 98<sup>th</sup> Street with an additional 5' of right-of-way or easement within 1,000' of the intersection.*

Noted. This has been revised with this submittal, 1/11/02.

47. *Block 1, Lot 12 should relinquish access to 91<sup>th</sup> Street and take its access to Heritage Lakes Drive.*

This has been revised with this submittal, 1/11/02, Block 1, Lot 12 is not part of this preliminary plat.

48. *Rename Eider Lane/Court/Bay, as it is too close to Elder St.*

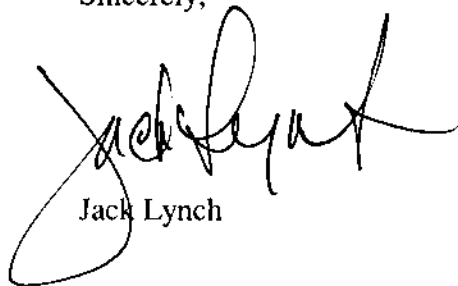
Comment is noted.

49. *The Lincoln-Lancaster County Health Department comments are attached.*

Comment is noted.

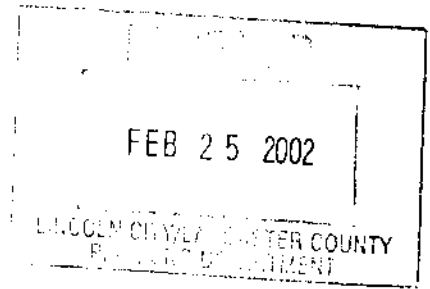
Due to design changes over the last ten months, we have delayed our response to your May 10<sup>th</sup> letter. Please call if you have any questions. Jason Reynolds has informed us that this project has been pulled from the February 20<sup>th</sup> Planning Commission meeting as all city departments have not had time to review our responses. However, our client is very eager to keep this process going and we will be quick to answer any questions you may have. With this letter, Jason indicated that we should be on the March 6<sup>th</sup> Commission agenda.

Sincerely,



Jack Lynch

F:\Projects\20000862\doc\LSellman.202.wpd



21 February 2002

Mr. Jason Reynolds  
Planning Department  
County - City Building  
555 South 10<sup>th</sup> Street, Suite 213  
Lincoln, NE 68508

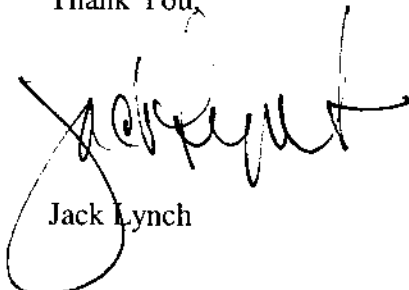
Re: Heritage Lakes Preliminary Plat and Community Unit Plan  
OA Project No. 2000-0862.01

Dear Mr. Reynolds:

Please include the following requested waivers to those itemized on our letter dated February 6, 2002:

1. A waiver to the Subdivision Ordinance Sec. 26.23.140 for minimum lot depth.
2. A waiver for lot areas and required yards.

Thank You,



Jack Lynch

F:\Projects\20000862\doc\jlynolds waivers.202.wpd

ITEM NO. 3.3a&b: SPECIAL PERMIT NO. 1913

PRELIMINARY PLAT NO. 01004

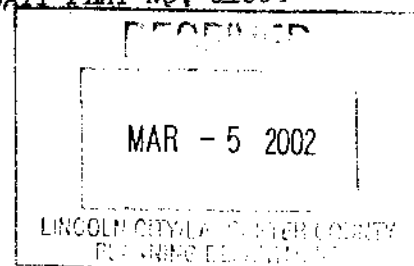
(p.63 - Public Hearing - 03/06/02)



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
NEBRASKA REGULATORY OFFICE-WEHRSPANN  
8901 SOUTH 154<sup>TH</sup> STREET, SUITE 1  
OMAHA, NEBRASKA 68138-3621

REPLY TO  
ATTENTION OF:

March 4, 2002



KATHLEEN SELLMAN  
PLANNING DEPARTMENT  
COUNTY CITY BUILDING  
555 SOUTH 10 STREET  
LINCOLN NEBRASKA 68508

**RE: Heritage Lakes**

Dear Ms. Sellman:

The Corps of Engineers is responsible for administering Federal laws that regulate certain activities in waters of the United States. The authority applicable to activities at the location described in your letter is Section 404 of the Clean Water Act (33 U.S.C. 1344), which prohibits the discharge of dredged or fill material into lakes, streams or wetlands without authorization in the form of a Department of the Army permit.

In reviewing the plans for the above referenced project located in Section 23 in Township 9 North, Range 7 East, Lancaster County, Nebraska, this location appears to contain waters of the United States under our jurisdiction. Activities that involve the placement of fill materials into these waters (temporary or permanent) will require Department of the Army authorization prior to project activities in regard to our authorization as described above. The property owner will need to submit a completed Section 404 application to the Regulatory office address shown above.

If you have any questions, contact me at the Regulatory Office address shown above or telephone (402) 896-0896.

Sincerely,

A handwritten signature, likely of John Peterson, is written in black ink. The signature is stylized and appears to be "John Peterson".

John Peterson  
Project Manager



**MEMORANDUM**

**Date:** March 6, 2002  
**To:** Planning Commission  
**From:** Jason Reynolds, Planning  
**Subject:** PP #01004 Conditions

---

Please add the following to the site specific conditions of approval on page 69 of the packet:

3. The applicant shall receive a Department of the Army permit prior to project activities.

The remaining conditions should be renumbered accordingly ("3" becomes "4" etc.).

This condition reflects comments received from the Army Corps of Engineers on March 5, 2002.

*C:\MyFiles\BPmemo.wpd*